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A Study of U.S. Library Directors' Confidence and Practice Regarding Patron Confidentiality

Trina J. Magi

1. Introduction and Purpose

For decades, the library profession has upheld the view that protecting the confidentiality of patrons is a critical dimension of professional behavior. The assurance of confidentiality gives patrons the freedom to read anything of interest or to ask reference questions on any topic without fear of judgment, intrusion, recrimination, ostracism from the community, or government surveillance. It enables patrons to feel safe exploring controversial ideas with which they may or may not agree. It also enables them to more comfortably access sensitive information that may be important to their health or relationships (Drobnicki, 1992). In the United States, the First Amendment to the Constitution promises freedom of expression, a right that is fully meaningful only if accompanied by the freedom to receive or obtain ideas and information (Hafner and Sterling-Folker, 1993). Protection of that freedom makes the library a sanctuary of inquiry; without it, patrons' pursuit of knowledge may be chilled by self censorship (Garoogian, 1991).

Since 1939, when the American Library Association created its first code of ethics, the association has formally acknowledged the importance of confidentiality (Krug, 2006). The current code of ethics states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted" (American Library Association, 2008). The ALA code of ethics is not unique in its expression of this principle. Koehler and Pemberton reviewed 35 codes of ethics and two statements of professional behavior from library and information organizations around the world. They found that "almost all require the information professional to place the interests of the patron or the client above other concerns" and indicate that the interests of patrons can be served in several ways, including the protection of privacy and confidentiality (2000, p. 38).

There is a significant body of literature discussing threats to library patron confidentiality from law enforcement in the United States. These threats have included inquiries from the Alcohol, Tobacco, and Firearms Unit of the Internal Revenue Service regarding library users' reading interests and circulation records in 1970 (Burnam, 1989), the FBI's library awareness program, which was revealed in the late 1980s (McAllister, 1988; U.S. House, 1989), and the USA PATRIOT Act, passed in 2001 (Doyle, 2005; Bowers, 2006) and reauthorized in 2006. Inquiries about specific individuals' use of the library and its resources also come from many sources other than law enforcement, including spouses, parents, teachers and professors, college administrators, caregivers, friends, neighbors, representatives of companies or nongovernmental organizations, and Friends of the Library groups (Magi, 2007). There is also a significant body of literature about the number of libraries that have adopted formal patron confidentiality policies (Isbell and Cook, 1986; Hocker, 1989; Wilkes and Grant, 1995; Murray, 2003; Library Research Center, n.d.; Jackman and Kegel, 2004; Sturges et al., 2003; Magi, 2007). Consistently, these studies have found that a great many libraries do not have written policies regarding the confidentiality of library patron records.

Little has been written, however, about library managers' own assessments of their organizations' ability to cope with inquiries about patrons. This study sought to begin addressing this gap and to better understand the degree to which library directors feel that their library operations are up to the task of protecting patron confidentiality. It addressed several research questions:

(1)   How many libraries take specific practical measures to protect confidentiality other than having a written policy?

(2)   In libraries with written confidentiality policies or procedures, how much confidence do library directors have in their own ability to follow them?

(3)   In libraries with written confidentiality policies or procedures, how much confidence do library directors have in the ability of library workers to follow them?

(4)   What types of support do library directors need to better protect the confidentiality of patrons?

The study also examined whether library directors' practices and degree of confidence varied by the size of their libraries, their years of experience, and whether or not they hold the Master of Library Science degree.

2. Methodology

The study was conducted on behalf of the Vermont Library Association and the Vermont Department of Libraries, both of which desired information from the same population to aid in planning and providing service to their constituents. A written report of the results concerning their respective research questions was shared with the governing body of each entity, and an article reporting on one aspect of the study was published in 2007 (Magi).

2.1 Target Population and Data Collection

Data were collected using a paper survey mailed in January 2006 to all 213 directors of public libraries (188) and college and university libraries (25) in the state of Vermont, United States. The mailing list was supplied by the Vermont Department of Libraries. Before distribution, the survey instrument was tested by five directors in the respondent pool and edited for clarity and flow. The surveys were accompanied by cover letters explaining the purpose of the study and assuring anonymity of the respondents. In an effort to boost response rate, these letters were individually addressed and personally signed by the researcher. Other efforts to boost response rate included:

(1) Messages describing the study and encouraging people to watch their mail for the survey were posted to the Vermont Department of Libraries' electronic discussion lists.

(2) A pre-addressed return envelope bearing a postage stamp was enclosed in each survey.

(3) Reminder postcards were sent to all people in the target population two weeks after surveys were mailed.

(4) A coupon for a free pint of ice cream was included with each survey as an incentive to respond.

2.2 Response Rate and Respondent Profile

Of the target population of 213 library directors, 151 returned surveys. Two surveys were

returned uncompleted, one with a note explaining that the library had closed and the other with a note saying that the library director had only just recently arrived in Vermont and was unable to offer any information. These two surveys were removed from both the target population and from the number of respondents for a final total of 149 responses out of 211, a 71 per cent response rate. With this response rate, estimated percentages reported below for the total sample have a margin of error of +/- 4.4 per cent, with 95 per cent confidence. A high response rate is important in minimizing bias in the survey results. According to Hager, Wilson, Pollak, and Rooney (2003), several research methods textbooks suggest that researchers should strive to achieve response rates of at least 50 per cent, 60 per cent, or 75 per cent.

Most (87 per cent) of the respondents direct public libraries, and 13 per cent direct academic libraries. These percentages closely reflect the percentages of directors of public and academic libraries in the population surveyed, 88 per cent and 12 per cent respectively. Most respondents (76 per cent) direct libraries with five or fewer paid staff members. Most respondents (83 per cent) have been employed in libraries more than five years; 13 per cent have been employed in libraries fewer than three years. Most respondents (62 per cent) do not hold the Master of Library Science degree.

2.3   *Data Analysis*

Quantitative survey responses were coded, entered into a spreadsheet, and proofread before being exported to the software program SPSS, in which descriptive and inferential statistics were calculated. Pearson's chi-square and Fisher's exact test were used to measure the statistical significance of differences between and among groups of respondents. Written comments were reviewed and used to elucidate the quantitative findings.

3.   Findings

3.1   *Research Question No. 1: How many libraries take specific practical measures to protect confidentiality?*

In addition to having a written policy stating the library's commitment to protecting patron confidentiality, librarians are advised by the American Library Association to avoid practices and procedures that place patron information on public view (American Library Association, 2005). To

assess the degree to which libraries' operating procedures protect patron confidentiality, the survey asked about two specific practices: 1) Does your library mail postcards (not sealed letters) to patrons giving the titles or names of items that are either overdue or available for pick-up? and 2) Does your library make phone calls to patrons to notify them about items that are either overdue or available for pick-up, and if so, what does your library do if you reach an answering machine or must leave a message with a person other than the patron. Do you give the name/title of the item that is overdue or available for pickup?

Sixteen per cent of library directors reported that their libraries mail to patrons unsealed post-cards that reveal the titles or names of library materials. All were directors of public libraries. Ninety-one per cent of directors reported that their libraries make phone calls to patrons regarding overdue or available materials. Public libraries are far more likely than academic libraries to make telephone calls (97 per cent vs. 44 per cent), a difference that is statistically significant ($p < 0.001$). Of the library directors reporting that their libraries make telephone calls, 36 per cent said the library *does* leave titles or name of items on answering machines or with persons other than the patrons. In their answer to this question, differences among respondents in terms of library type, size (as measured by number of paid staff), number of years the director has been employed as a librarian, and whether or not the director holds the Master of Library Science degree were not statistically significant.

3.2 *Research Question No. 2: In libraries with written confidentiality policies or procedures, how much confidence do library directors have in their own ability to follow them if they received a request for information about a library patron?*

Of the 71 library directors reporting that their libraries have written confidentiality policies/procedures, 69 per cent said that they were "very comfortable" with their own ability to follow their library policy or procedure, 27 per cent reported that they were "somewhat comfortable," and only 4 per cent reported that they were "not at all comfortable." Differences among respondents in terms of library type, size (as measured by number of paid staff), number of years the director has been employed as a librarian, and whether or not the director holds the Master of Library Science degree were not statistically significant.

3.3   Research Question No. 3: In libraries with written confidentiality policies or procedures, how much confidence do library directors have in the ability of library workers, including volunteers and student workers, to follow them if they received a request for information about a library patron?

Of the 70 library directors reporting that their libraries have written confidentiality policies/procedures, 34 per cent reported that they were "very confident" their library workers would follow the library's policy, 57 per cent reported they were "somewhat confident," and 9 per cent reported they were "not at all confident." Once again, differences among respondents in terms of library type, size (as measured by number of paid staff), number of years the director has been employed as a librarian, and whether or not the director holds the Master of Library Science degree were not statistically significant.

3.4   Research Question No. 4: What types of support do library directors need to better protect the confidentiality of patrons?

The survey invited library directors to indicate their greatest needs regarding library confidentiality by identifying and ranking their top three from a list of nine. Directors of both public and academic libraries most frequently selected "I need to know where I can get legal advice if I receive a request from law enforcement" and "I need help developing/writing library confidentiality policy or procedures," but a substantial number of respondents also selected many other items on the list. The needs of academic library directors are reported in Table 1, and the needs of public library directors are reported in Table 2.

Table 1. **Greatest Needs of Academic Library Directors Regarding Library Patron Confidentiality** (n=19)				
I need. . .	**Number of directors ranking "1"**	**Number of directors ranking "2"**	**Number of directors ranking "3"**	**Sum of responses**
help developing/writing library confidentiality policy or procedures	7	2	1	10
to know where I can get legal advice if I receive a request from law enforcement	3	5	2	10
help explaining the importance of patron confidentiality to people who use my library	3	2	2	7
help educating my college/university administrators about patron confidentiality issues	0	3	4	7
help educating library employees and volunteers about patron confidentiality issues	3	2	1	6
advice about issues relating to the confidentiality of library patrons who are minors	0	1	0	1
help educating my library board about patron confidentiality issues	0	0	1	1
help educating my town officers/town administrators about patron confidentiality issues	0	0	0	0
more information for myself about why library confidentiality is important	0	0	0	0

Table 2. **Greatest Needs of Public Library Directors Regarding Library Patron Confidentiality** (n=130)				
I need. . .	**Number of directors ranking "1"**	**Number of directors ranking "2"**	**Number of directors ranking "3"**	**Sum of responses**
to know where I can get legal advice if I receive a request from law enforcement	31	19	19	69
help developing/writing library confidentiality policy or procedures	26	15	10	51
advice about issues relating to the confidentiality of library patrons who are minors	18	16	17	51
help educating library employees and volunteers about patron confidentiality issues	15	18	12	45
help explaining the importance of patron confidentiality to people who use my library	9	15	18	42
help educating my library board about patron confidentiality issues	3	19	9	31
help educating my town officers/town administrators about patron confidentiality issues	6	7	8	21
more information for myself about why library confidentiality is important	7	2	5	14
help educating my college/university administrators about patron confidentiality issues	0	0	0	0

**4.	Discussion**

*4.1	Library Practices Regarding Postcards and Telephone Calls*

When seeking to inform their patrons of overdue materials or materials that are available to be picked up at the library, many more libraries use the telephone than use postcards. Privacy advocates are likely to be pleased that so few libraries (16 per cent) still engage in the practice of revealing the titles of materials in which their patrons are interested through an unsealed postcard. The written comments of survey respondents suggest that some library directors had simply never contemplated the implications of sending a postcard. One director wrote, "Have never thought about postcards or phone calls violating patron confidentiality! There are a lot more issues here than I ever thought." Another wrote, "No problem. I will stop using postcards, which has been the tradition." But a third indicated that budget pressures make the practice appealing: "Can't afford to make first-class reserve responses and do not have time or staff to call everyone with a reserve."

It is troubling that more than a third of the libraries who make telephone calls to inform patrons about overdue or available materials *do* reveal the titles of items on answering-machine messages or to people other than the patrons. However, it is important to acknowledge that pressure to reveal this information sometimes comes from the library patron community itself. As one respondent wrote, "We tried omitting titles from phone messages, but got objections. So we are still giving that info out." Another wrote, "This is very important, given the current political climate. However, I would request that the reality of day-to-day library service be considered. Is it so essential that we refuse to tell a child's mother that her book on penguins has come in? Is she to make a trip only to find out that the book is no longer needed by the child?" A third director commented, "Certain changes can make libraries harder to use at a time when libraries are being used less and less."

Service-oriented library directors find themselves caught between two principles here—the desire to make the patron's experience efficient, friendly, and convenient on one hand, and the desire to ensure that the library serves patrons as a sanctuary for confidential inquiry on the other. One library director identified an opportunity for librarians to educate their communities about their values: "Librarians need

to protect intellectual freedom and be able to articulate why, sometimes in an instant. Most people are not aware of confidentiality issues and it would be great to have discussions about it. It is important to a free society."

4.2 Library Directors' Confidence in Ability to Follow Confidentiality Policies

A large majority (69 per cent) of library directors reported feeling "very comfortable" with their own ability to follow their library patron confidentiality policy, and almost all (96 per cent) directors reported feeling either "very comfortable" or "somewhat comfortable." Only a handful of library directors reported being "not at all comfortable." When asked to consider the ability of library employees, volunteers, and student workers to follow policy, library directors expressed less confidence. A third (34 per cent) reported feeling "very confident" about the ability of their library workers. It is natural to be less sure about someone else's behavior than one's own, so this result is not surprising. It is encouraging to note, however, that 57 per cent of directors reported a moderate level of confidence, and a small number, only 9 per cent, indicated that they were "not at all confident" about their library workers' ability to follow policy. It is interesting that directors' degree of confidence regarding their own ability or that of their workers did not vary by respondent characteristic. Directors' responses were similar regardless of library type and size, regardless of their years of experience, and regardless of whether or not they hold the Master of Library Science degree.

4.3 Types of Assistance and Support Needed by Library Directors

It is not surprising that library directors at both types of libraries expressed a need for help in writing library confidentiality policy. Prior research cited in the Introduction of this article has found that many libraries still do not have written policies. It is also not surprising that so many directors of public libraries need to know where they can get legal advice if they receive a request for patron information from law enforcement. In a rural state like Vermont, many libraries are small establishments that operate independently of town government on a day-to-day basis. These library directors are unlikely to have an established relationship with an attorney. It is more surprising that directors of academic libraries expressed the same need. One might have thought that they would have clear and ready access to legal

counsel by virtue of their being part of a college or university.

Sizable percentages of both public and academic library directors also expressed a need for help in educating library employees and volunteers about patron confidentiality issues. This makes sense, given that library directors are less confident about their workers' ability to follow policy than they are about their own ability to do so. One director commented, "We strongly respect/value confidentiality. But it is hard to keep all clerks 'on board' with related issues at the front desk. More training (outside) would help, perhaps."

Sizable percentages of directors also need help explaining the importance of patron confidentiality to people who use their libraries. As one respondent wrote, "This needs more PR and standard procedures. We don't have to give up the small-town, personal, casual atmosphere, but we do need to respect and protect individuals' privacy." Public library directors especially are in need of advice regarding the confidentiality of library patrons who are minors. "How can we keep children's records private if the parents need or want to pay for overdue books?" asked one respondent.

As a group, neither public nor academic library directors feel a great need for information for themselves about why patron confidentiality is important. This suggests that directors feel well-versed in this professional principle, and their challenges lie in educating others and developing policies and procedures. Again, responses did not vary significantly by respondent characteristic. It is not the case that library directors without the Master of Library Science degree expressed a greater need for more information about why privacy is important.

5.   Conclusion

This study went beyond the important question of whether libraries have written policies to protect patron confidentiality and began to examine questions about library practice and directors' confidence in their libraries' ability to follow policy. Overall, library directors report a high degree of confidence in their own ability to follow their confidentiality policies, and an only somewhat lower degree of confidence in the ability of their library workers to do so. The practice of revealing patron information on postcard notices is not widespread, but many libraries—especially public libraries—

divulge patron information to third parties through telephone calls about materials that are overdue or available for pick-up. Library directors who are concerned about confidentiality should consider undertaking an audit of their day-to-day operations to uncover practices in which patron confidentiality is unwittingly broken. Here librarians must navigate a conflict between two patron-oriented values— providing convenient service and protecting confidentiality. A substantial number of library directors indicate they need help in writing library confidentiality policy and help in knowing where to get legal advice if they receive a request from law enforcement. Many public library directors also expressed a need for advice regarding the confidentiality of library patrons who are minors. At the same time, directors expressed little need for information for themselves about why confidentiality is important. This suggests an opportunity for professional library associations to focus on the practical problems that emerge as librarians try to follow the code of ethics.

6.   Limitations and Opportunities for Further Research

Although the study surveyed the entire universe of public and academic libraries in Vermont and garnered a good response rate, it is possible that library directors sampled are in some ways different from directors elsewhere. Vermont is a rural state with a small population but the highest number of libraries per capita of any state in the United States (Morgan and Morgan, 2008). This means that Vermont libraries are generally very small, and their policies, procedures, and day-to-day operations are established at the local municipal level. As the respondent profile shows, many directors of Vermont libraries do not hold the Master of Library Science degree. Also, through the Vermont Library Association, Vermont librarians were at the forefront of the library profession's opposition to the USA PATRIOT Act, so library patron confidentiality concerns have received high visibility in association publications and programs over the last six years.

This study asked about only two library practices that put patron confidentiality at risk: sending unsealed postcards revealing patrons' interests, and leaving telephone messages about patrons' interests with other parties. Obviously, there is a host of other practices to be considered, such as the conveyance of patron information to other libraries through the interlibrary loan process, handling of patron sign-in

sheets, decisions about settings on public access computers, security of wireless networks, and the use of radiofrequency identification (RFID). Best practices related to many of these issues are available in the literature. It would be interesting to know how well library directors are addressing these and other confidentiality challenges, as well.

References

American Library Association. (2005), "Privacy tool kit: introduction", available at:
www.ala.org/ala/oif/iftolkits/toolkitsprivacy/Default4517.htm (accessed 14 April 2008).

American Library Association. (2008), "Code of ethics of the American Library Association", available
at: www.ala.org/ala/oif/statementspols/codeofethics/codeethics.cfm (accessed 14 April 2008).

Bowers, S.L. (2006), "Privacy and library records", *Journal of Academic Librarianship*, Vol. 32 No. 4,
pp. 377-383.

Burnham, D. (1989), *A Law Unto Itself: Power, Politics, and the IRS*, Random House, New York, NY.

Doyle, C. (2005), *Administrative Subpoenas and National Security Letters in Criminal and Foreign
Intelligence Investigations: Background and Proposed Adjustments (CRS Report No. RL32880)*,
Congressional Research Service, Washington, DC, available at Congressional Research Service
Reports database (accessed 19 April 2007).

Drobnicki, J.A. (1992), *The Confidentiality of Library Users' Records (ERIC Document Reproduction
Service No. ED358846)*, available at ERIC database (accessed 12 December 2006).

Garoogian, R. (1991), "Librarian/patron confidentiality: an ethical challenge", *Library Trends*, Vol. 40
No. , pp. 216-233.

Hafner, A.W. and Sterling-Folker, J. (1993), "The American public library and the Constitutional right to
freedom of expression", in Hafner, A.W. (Ed.), *Democracy and the Public Library*, Greenwood,
Westport, CT, pp. 105-172.

Hager, M.A., Wilson, S., Pollak, T.H., and Rooney, P.M. (2003), "Response rates for mail surveys of
nonprofit organizations: a review and empirical test", *Nonprofit and Voluntary Sector Quarterly*,

Vol. 32 No. 2, pp. 252-267.

Hocker, S. (1989), *Computerized Online Bibliographic Searching in ARL Libraries (SPEC Kit No. 154)*, Association of Research Libraries, Washington, DC.

Isbell, M.K. and Cook, M.K. (1986), "Confidentiality of online bibliographic searches: attitudes and practices", *RQ*, Vol. 25 No. 4, pp. 483-487.

Jackman, R.C. and Kegel, M.J. (2004), "Louisiana libraries and the USA PATRIOT Act: the need for confidentiality policies", *Louisiana Libraries*, Vol. 67 No. 1, pp. 3-11.

Koehler, W.C. and Pemberton, J.M. (2000), "A search for core values: towards a model code of ethics for information professionals", *Journal of Information Ethics*, Vol. 9 No. 1, pp. 26-54.

Krug, J. (2006), "History—code of ethics", in American Library Association, Office for Intellectual Freedom (Ed.), *Intellectual Freedom Manual*, 7th edn., American Library Association, Chicago, IL, pp. 246-465.

Library Research Center (n.d.), "The PATRIOT Act and Illinois libraries", available at: http://lrc.lis.uiuc.edu/web/PA.html (accessed 19 October 2006).

Magi, T.J. (2007), "The gap between theory and practice: a study of the prevalence and strength of patron confidentiality policies in public and academic libraries", *Library & Information Science Research*, Vol. 29 No. 4, pp. 455-470.

McAllister, B. (1988), "Librarians want FBI to shelve requests about foreign readers: agency faulted for asking information about book borrowers", *The Washington Post*, 27 March, available at LexisNexis Academic database (accessed 18 June 2007).

Morgan, K.O. and Morgan, S. (Ed.) (2008), "Rate of public libraries and branches in 2005", in *State Rankings 2008*, CQ Press, Washington, DC, p. 159.

Murray, P.E. (2003), *Library Patron Privacy (SPEC Kit No. 278)*, Association of Research Libraries, Washington, DC.

Sturges, P., Davies, E., Dearnley, J., Iliffe, U., Oppenheim, C., and Hardy, R. (2003), "User privacy in the digital library environment: An investigation of policies and preparedness", *Library*

Management, Vol. 24 No. 1/2, pp. 44-50.

U.S. House. Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights. (1989), *FBI Counterintelligence Visits to Libraries*. Hearings, 20 June and 13 July 1988. U.S. Government Printing Office, Washington, DC.

Wilkes, A.W. and Grant, S.M. (1995), "Confidentiality policies and procedures of the reference departments in Texas academic libraries", *RQ*, Vol. 34 No 4, pp. 473-485.

Structured Abstract

Purpose—To learn how many libraries take specific measures to protect patron confidentiality other than having a written policy, to measure library directors' confidence in their own ability, and that of their workers, to follow confidentiality policies, and to learn what types of support directors need to better protect confidentiality.

Design/methodology/approach—Paper survey was mailed to all 213 directors of public and academic libraries in Vermont; 71 per cent responded. Data were primarily quantitative.

Findings—Few libraries reveal patron information by sending unsealed postcards, but many reveal patron information to third parties over the telephone. Library directors have a high level of confidence in their own ability to follow confidentiality policy and a slightly lower level of confidence in the ability of library workers to do so. Library directors need help in writing policy, getting access to legal counsel, and addressing the confidentiality of patrons who are minors.

Research limitations/implications—Vermont library directors may be different from directors elsewhere. The study asked about two library practices that put patron confidentiality at risk; other practices should be studied, as well.

Practical implications—Library directors can do more to ensure that library practices don't jeopardize patron confidentiality. Library directors need help and support in dealing with practical issues that emerge as they try to follow the ALA code of ethics.

Originality/value—This study begins to fill a gap in the literature by measuring library directors' own assessments of their organizations' ability to cope with inquiries about patrons.

Keywords—Confidentiality, Privacy, Ethics, Confidence

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